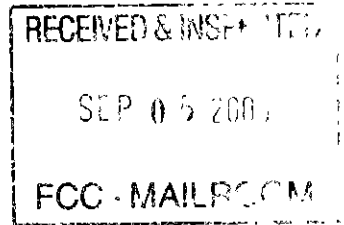


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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D C 20554



In the Matter of )  
 )  
Amendment of Part 97 of the Commission's ) RM-  
Amateur Service Rules to Eliminate )  
Morse code testing on a limited basis )  
 )

To The Commission

PETITION FOR RULE MAKING

Pursuant to Section 1.401 of the Commission's procedural rules (47 C.F.R. 1.401), the petitioner, Charles L. Young Jr., hereby respectfully requests that the Commission issue Notice of Proposed Rule Making at an early date looking toward amendment of the rules governing the Amateur Radio Service, 47 C.F.R. 97.1 et seq., as set forth herein.

The rule changes requested herein would terminate the telegraphy examination requirement for new Technician Plus Class applicants and permit existing Technician Plus Class operators to access HF spectrum as provided in 47 C.F.R. 97.301(e) without the necessity of passing a Morse code examination and with the passage of a written test as outlined below. All other license classes and requirements associated with and requiring Element 1 (telegraphy/CW) would remain unchanged.

This request to grant limited relief from the Morse code (Element 1) examination for the one license class of Technician Plus does not necessarily have the support of the ARRL Board since they have yet to develop a position on the matter. Since it is unknown what position the ARRL will take, and due to the lack of a timely response from the ARRL, this petition is filed on behalf of the petitioner to seek rulemaking, that will address both sides of the issue in a fair manner.

In support of his petition, the petitioner states as follows:

I. Introduction and Background

Although Morse code (or CW, as it is commonly called) was the primary mode of communications from the late 19th Century through the early 20th Century, and although it has all but fallen out of favor with some contemporary communication systems, the petitioner feels that the CW mode has become a very important part of the Amateur Radio hobby. Telegraphy is widely used in the Amateur Service by a large group of passionate followers utilizing most of the assigned spectrum on bands as signal conditions dictate.

In Amateur Radio, CW has long been considered an important mode for potential disaster communications. Fortunately, we have not had to find out whether this supposition is correct by means of test under fire. History is full of examples where older ideas and technology are put aside for theoretically newer ideas and alleged superior technology. In many cases, the suppositions for adopting the original technology are gone and forgotten. An example in an unrelated field is that the use of solid fire streams was accepted technology in the American Fire Service until replaced with the new technology

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of fog streams in the 1970. By 2000, articles began to appear in publications touting "solid streams" as the new technology in the fire service. The heralded death of solid streams in fire fighting in 1970 was, it appears, premature.

In the case of telegraphy, there is no reason to suppose that if the emergency is large enough and the destruction of infrastructure is deep enough, the thought process responsible for generations of Amateur Operators having to learn telegraphy would again require validation. The obvious question is, why do we have to destroy civilization to demonstrate a need for CW in an emergency? As in the Fire Service example, heralding the death of telegraphy appears to be considerably premature.

Simply saying that other countries and services are moving away from telegraphy is not, de facto, cause for this country and this radio service to follow, nor is it grounds to declare CW as dead.

## II. World Administrative Radio Conference 2003

At WRC-2003, the international Radio Regulation Article S25.5.3 was revised to make the Morse code testing requirement a matter for each licensing administration to decide for itself. Effective July 5, 2003, Article S25.5.3 reads: "25.5.3.1) Administrations shall determine whether or not a person seeking a license to operate an amateur station shall demonstrate the ability to send and receive texts in Morse code signals."

## III. Balancing the Opportunity for Change with History

There are many communications modes and emissions available to the radio amateur, and manual CW is one that certainly deserves special recognition. Although the amateur radio operator examination process does not require a practical demonstration in the ability to use any other mode, most other modes do not require the same level of dedication to master and use well on a personal level. For decades, Amateurs have learned to send by hand and copy by ear Morse Code. Many older Hams are still on the air today with this mode and are joined by numbers of new Amateurs learning the value and joy of using telegraphy.

In contrast, it appears that the reason that many (no-code) Technician amateurs are not upgrading to license classes that require telegraphy suggests that the Morse code requirement may be a significant barrier to some applicants.

Diminishing CW as a mode may, in fact, be discriminatory against many sight and hearing impaired amateurs who depend on CW as their primary mode and enjoy the wide acceptance of the mode with non-impaired Hams. Removing the CW requirement may indeed reduce the pool of potential users with which the handicapped Amateurs can communicate in a mainstream environment.

Another important history lesson comes from the Citizens Band Radio Service. There is no better case history of what unregulated access to spectrum can cause. Although we reasonably expect that enforcement activity and the written test would ensure a minimally qualified pool of operators would exist, the effort spent over the years learning CW has given Amateurs a vested interest in preserving the hobby and its rules.

Rhetorically, how does the Commission balance these factors fairly? The answer to this question is that the Commission does as it always has, it steers the Amateur Service into new modes of communications in gradual and thoughtful steps. In the case of Amateur

Radio. no part of its rich history is thrown out wholesale without thought, consideration, and testing. No new notions or fads are accepted without the same examination.

#### IV Summary of the petitioner, Charles L. Young's proposal

Any rulemaking must address the following obstacles:

- 1 Movement away from CW requirement internationally
- 2 Difficulty some applicants have learning the code
- 3 Numbers of Amateurs with various handicaps that depend on CW
- 4 Vested interest in the hobby that comes from investing the effort to learn CW
- 5 Lessons learned in the Citizen's Radio Service
- 6 The numbers of Amateurs who actively use CW
- 7 Many existing Amateurs who do not use code but still support the CW requirement
- 8 History of prudent change by the FCC to preserve Public Interest, Convenience and Necessity
- 9 The need to make changes that can be evaluated and measured on an ongoing basis
- 10 Minimizing any potential damage done by changes to the Amateur Service
- 11 The value of telegraphy in a worst case scenario disaster as an emergency communications tool

The petitioner feels that although there are many obstacles listed, interests to be considered, and potential changes to be weighed, there is one clear course of action which meets all requirements, is simple to implement, and most simple to measure and evaluate.

The petitioner therefore requests that to meet the need for no code access to the frequencies below 30 MHz, the Commission remove the Morse Code requirement for the Technician Plus class license as outlined below, and leave all other classes and requirements for other classes exactly as they are today.

Specifically, the petitioner requests that the Commission modify Amateur Rules and Regulations in Part 97 to allow the following:

- 1 Technician Class - unchanged
- 2 **Technician Plus – requires ELEMENTS 2 and 3 only. Frequency access to top 50KHz of the General Class HF band plan on all voice frequencies with the following caveats. a.) Power limited to 100W ERP on all bands, b.) no privileges on 17, 30, and 60m due to band size limitations.**
- 3 General Class - unchanged
- 4 Extra Class- unchanged

Discussion -The Commission should notice that access to frequencies below 30 MHz (commonly known as HF) is granted to the Technician Plus class with the passing of the written elements 2 and 3. It also limits the frequencies used, and the power used to 100W ERP. This meets the initial requirement of having a license class available to allow HF access for the no code Amateurs, the CW challenged applicants, and to follow international trends to have no code access to HF. The proposed rule change herein would be significant enough to impact the issues, but small enough to be properly monitored and evaluated by the Commission. Many Amateurs today use 100W transceivers with unity gain long wire antennas for an effective radiated power (ERP) of 100 Watts. The petitioner believes that the initial 50KHz allocation and power limitation would serve to offer a fair test for the new no code licensees, their ability to follow the rules, and cause no undue hardship on them.

The proposed rule change would also make use of existing test elements and require only minimal updating of rules and regulations. More importantly, the proposed change would preserve the overall structure of the Amateur service as it is today, and continue the tradition of the CW requirement for higher class licenses. This preservation of CW as a mode of distinction for the higher license classes would continue the traditions of the service, make qualified operators available if a huge disaster were to occur, and provide participants in a mode that many handi-capable Amateurs use as their primary mode within the hobby.

#### V. Combination With Other Petitions

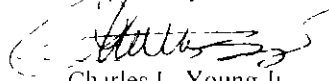
The Petitioner does not object to having this petition combined with one or more petitions PROVIDED the following conditions are met:

1. A request for CW band plan/frequencies/spectrum change is not to be included in the petition (excepting the old Novice Frequencies)
2. The CW/Telegraphy/Element 1 requirement is kept as a requirement for General and Extra Class licenses or whatever two highest class licenses exist in the Amateur Radio structure set forth in the petition
3. General and Extra Class licensees do not lose significant phone spectrum to any new license classes made (excepting as could be provided using the old Novice Frequencies or amounts as suggested in this petition) as requested by the petition

Closing - The petitioner further asks the Commission's patience and indulgence with the petition. The Petitioner is neither a "professional" petitioner nor is he a huge club or organization. From the basic premise that an individual before the Commission has the same rights and standing as a large organization, the petitioner stands without the resources of the large group.

The public interest, convenience, and necessity is best served by this petition by Charles L. Young Jr. because it addresses the need for a no code license class and offers the best compromises to preserve the traditions and needs of all Amateurs.

Respectfully submitted,



Charles L. Young Jr.  
Amateur License AG4YO  
13805 Timbercreek Drive  
Cantonment, Florida 32533

August 26, 2003